Lsp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

FIRST APPEAL NO. 2188 of 2005

The State of Maharashtra ..Appellant
versus
Ramchandra Dharma Naik & ors. ..Respondents

Mrs. G.P.Mulekar, AGP for the Appellant - State.
Mr. K. N. Kore for the Respondents.

CORAM : ANOOP V. MOHTA,J.
DATED : 10th October, 2007

ORAL JUDGMENT :

1. This appeal is filed by the State of Maharashtra and challenged the judgment dated 19.8.91 passed by the Joint District Judge, Thane in Land Acquisition No. 26 of 1988 enchancing the compensation, after considering the material on record, at the rate of Rs.10/- per sq. meter. Therefore, being aggrieved by the same, this appeal is preferred by the State of Maharashtra against the order of enhanced compensation.

2. Heard the learned counsel appearing for the parties. Both the parties fairly pointed out the judgment passed by this Court in identically placed and situated land acquisition references arising out of the same dispute and of adjacent villages, whereby the judgement dated 26th October, 2005 passed by Shri D. G. Deshpande, J. in First Appeal No. 813 of 1993 and others, it has been observed as under:

"So far as all the appeals are concerned, they are arising out of land acquisition proceedings from Village Kopar Khairane. The reference Court awarded compensation at the rate of Rs.10/- per Sq. Mtrs. in all these cases for the acquired lands, many matters from village Kopar Khairane were decided by this Court and Rs.10/- per Sq. Mtr. is the proper rate of compensation, even the case of enhancement is made out. Therefore, there is no substance in all these appeals. Hence all the appeals are dismissed. No order as to costs in all the appeals."

3. The learned counsel appearing for the respondent pointed out and it is not disputed by the learned Advocate for the appellant that the Village Dive which is in Taluka and District Thane is adjacent to the villages Kopar Khairane and Ghansoli which is in Taluka and District Thane. Taking note of all these factors as there is no reason now to disturb the findings arrived at by the learned Judge. In view of this, as a whole, enhanced compensation as awarded is just and fair and with view of the above compensation, this appeal is dismissed with no order as to costs.

[ANOOP V. MOHTA,J.]